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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

b

TERRY BOHANAN

CIVIL ACTION NO. 17-CV-00608

VERSUS

CHIEF JUDGE DRELL

ETHICON, INC., *et. al.*

MAGISTRATE JUDGE PEREZ-MONTES

JURISDICTIONAL REVIEW FINDINGS

Before the Court is a Complaint filed in this Court by Plaintiff Terry Bahaman against Ethicon, Inc. and Johnson & Johnson. Bahaman premises federal jurisdiction on diversity of citizenship.

The diversity statute – 28 U.S.C. § 1332 – is satisfied upon a showing of: (1) diversity of citizenship between the parties; and (2) an amount in controversy in excess of \$75,000, exclusive of interest and costs. “Complete diversity requires that all persons on one side of the controversy be citizens of different states than all persons on the other side.” Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077, 1079 (5th Cir. 2008) (internal citation and quotation omitted). Further, “when jurisdiction depends on citizenship, citizenship must be *distinctly* and *affirmatively* alleged.” Getty Oil Corp., a Div. of Texaco, Inc. v. Ins. Co. of N. Am., 841 F.2d 1254, 1259 (5th Cir. 1988).

The Court has “an independent obligation to determine whether subject-matter jurisdiction exists, even in the absence of a challenge from any party.” Arbaugh v. Y&H Corp., 546 U.S. 500, 514 (2006). This duty persists throughout all

phases of the litigation, “even after trial and the entry of final judgment.” Id. at 506-07.

The citizenship of an individual is his or her domicile, meaning the place where an individual resides and intends to remain. Abridge v. Evangelical Lutheran Good Samaritan Soc., 334 F.3d 444, 448 (fifth Cir. 2003). A corporation shall be deemed a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business. Tewari De-Ox Sys., Inc. v. Mountain States/Rosen, Ltd. Liab. Corp., 757 F.3d 481, 483 (5th Cir. 2014).

Plaintiff Bohanan is a citizen of Louisiana.

Plaintiff alleges that Defendant Johnson & Johnson is a corporation that was incorporated in New Jersey with its principal place of business in New Jersey.

Plaintiff alleges that Defendant Ethicon, Inc. was incorporated in New Jersey and has its principal place of business in New Jersey.

Accordingly, diversity jurisdiction is established. No further action is necessary at this time.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this 26th day of May, 2017.



Joseph H.L. Perez-Montes
United States Magistrate Judge